

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIC STEPHEN FREEZE,

Plaintiff,

Case No. 2:23-cv-01135-RSM

DECLARATION OF PAUL W. TAYLOR
IN RESPONSE TO COURT ORDER TO
SHOW CAUSE: FRCP 26(f)
CONFERENCE

ELIZABETH E. GALLAGHER, JOSE T.
ACUNA, ANN G. FREEZE REVOCABLE
TRUST, RONALD L. FREEZE
REVOCABLE TRUST, JAMES
MASSINGALE and ANGELA
MASSINGALE

Defendants.

**RESPONSE TO COURT ORDER TO SHOW CAUSE: FAILURE TO HOLD FRCP
26(f) CONFERENCE**

I, Paul W. Taylor, declare under penalty of perjury under the laws of the State of
Washington that the following is true and correct:

1. That I am a resident of the State of Washington, over the age of 18 years, and not
a party to this action; and attorney for the Defendants in this action, except Jose Acuna.

2. That I have personal knowledge of the facts set forth in this declaration and am competent to testify as to the matters stated herein.

1 3. In February 2023, prior to leaving on a vacation, I injured myself lifted and
2 experienced pain in my right groin. The pain became progressively worse and prevented
3 me from taking part in any physical activities and interrupted my sleep pattern. I consulted
4 my primary physician and an orthopedic surgeon. An MRI in June 2023 indicated that I
5 had moderate to severe osteoarthritis in both my hips which necessitated hip replacement
6 surgery. In July, 2023, my right hip replacement surgery was scheduled for November 29,
7 2023. Because of surgeon's and my schedules, it was the first date available.

8 4. My hip pain progressively increased that by September, 2023, my sleep pattern
9 was so disrupted that it significantly impacted my ability to work.

10 5. My primary physician, Dr. Ryan Guanzon, placed me on medical leave beginning
11 September 20, 2023, and finally extended through March 28, 2024. Dr. Guanzon stated,
12 "In my medical opinion his (Mr. Taylor's) medical conditions and their effect on his
13 overall function would constitute a disability under the A.D.A". I can provide supporting
14 documents under protective order if requested by the court.

15 6. On February 5, 2024 I had a phone conversation with Plaintiff Eric Freeze about
16 the Status Report. A couple days prior to that date, he had indicated he needed to confer
17 with me about filing a Joint Status Report. I informed him of my on-going medical
18 condition and that I was scheduled for hip replacement surgery the following week. I
19 requested we stipulate to delay the filing of the required Status Report until the end of
20 March 2024. I requested that he agree to dismiss his complaint to avoid having to file the
21 Status Report and having respond to a Motion to Dismiss his frivolous case and waste
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more time and expense. He refused. He agreed orally that he did not desire to interfere with my medical issues and it was my understanding we agreed to inform the Court of that.

Neither of us informed the Court.

7. After my operation on February 14, 2024, I was on pain meds much longer than my first hip replacement surgery and did not come off the pain meds until Sunday, February 25th. When on pain meds and due to other health issues, I was unable to accomplish anything productive.

8. In the interim period, Plaintiff Freeze filed a Motion to Disqualify me and a Motion for Default. Then I discovered that he was attempting to take advantage of my temporary disability. Because of his lack of knowledge of the federal rules, the Plaintiff did not supply any admissible evidence to support his baseless allegations and the Court properly dismissed Plaintiff's Motions.

9. When I received the Order to Show cause, I believed I was responding to the Court's requirements when I filed Defendants' responses to Plaintiff's Motion. I also filed a Motion to Dismiss and a supporting Declaration because Plaintiff's Complaint has no legal basis in fact or law. His claims to the Property in question were dismissed by the Skagit County Superior Court and previously by the Federal Court. His "new" claims were just as meritless as those previously made.

10. I made a mess of that by failing to comply with local FRCP in my haste to submit responses while still recovering from my surgery and sleep apnea. I take full responsibility for my inability to comply with the federal rules of filing and pleading. I apologize to the Court Clerk and staff as it was not intentional.

11. I have practiced law (mostly litigation) for over 43 years, and have never missed, a deadline in my entire career. I do not have a staff and I work out of my home. I have not taken any new cases since last June. I have been able to find other attorneys for most of my litigation cases, but because I am representing these Defendants *pro bono* in federal court makes finding an attorney to associate with impossible.

12. Therefore, I am now responding to the Court's Order to Show Cause by March 21, 2024. I do appreciate the time as it has taken days for me to prepare these responsive pleadings.

13. Based upon Defendants' Motion to Dismiss and Exhibits supporting that Motion subject to the Court's taking Judicial Notice of same, which I incorporate by this reference, the Status Report is not necessary unless the Court does not dismiss the case.

LCR 7(e) Length Certification

I certify that this memorandum and attached Declaration of Paul W. Taylor contains 964 words, in compliance with the Local Civil Rules.

I certify under penalty of perjury as defined under the laws of the State of Washington that the foregoing is true and correct.

Executed in Mount Vernon, Washington the 21st day of March 2024.



Paul W. Taylor, WSBA No. 13945
Attorneys for Defendants, except Acuna